

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

In re Terrorist Attacks on September 11, 2001

03 MDL 1570 (GBD)  
ECF Case

This document relates to:

*Burnett, et al. v. Al Baraka Inv. & Dev. Corp, et al.*, No. 03-CV-5738 (GBD)

*Burnett, et al. v. Al Baraka Inv. & Dev. Corp, et al.*, No. 03-CV-9849 (GBD)

*Euro Brokers, Inc., et al. v. Al Baraka Inv. & Dev. Corp, et al.*, No. 04-CV-7279 (GBD)

*World Trade Ctr. Prop., et al. v. Al Baraka Inv. & Dev. Corp, et al.*, No. 04-CV-7280 (GBD)

**AHMED ZAKI YAMANI'S REPLY MEMORANDUM IN SUPPORT OF HIS  
UNOPPOSED MOTION TO DISMISS THE CLAIMS AGAINST HIM**

By Order dated July 30, 2007 (and docketed August 2, 2007), the Court granted Mr. Ahmed Zaki Yamani's motion to vacate the default judgments entered against him in the *Burnett* (03-CV-5738 and 03-CV-9849), *Euro Brokers*, and *World Trade Center Properties* actions. *See* Order, July 30, 2007 (MDL Docket #2017). The Court also denied Plaintiffs' request to strike the portions of Mr. Yamani's motion seeking dismissal of the claims asserted against him and ordered that "Plaintiffs shall respond to defendant's filed motion to dismiss." *Id.*

Promptly following the Court's Order, on August 6 Mr. Yamani's undersigned counsel wrote to Plaintiffs to see if they would be willing to voluntarily dismiss Mr. Yamani or, in the alternative, to establish an agreed-upon briefing schedule for Plaintiffs' opposition to and Mr. Yamani's reply in support of the motion to dismiss. *See* Letter from Rayner M. Hamilton to

Ronald L. Motley and Robert T. Haefele, Aug. 6, 2007, at 1 (attached hereto as Exhibit A).

Plaintiffs did not reply to that letter.

In the absence of an agreed-upon briefing schedule, pursuant to Case Management Order #4, Plaintiffs had until October 1, 2007—60 days after the Court's Order was docketed—to respond to Mr. Yamani's motion to dismiss. *See* Case Management Order #4, Dec. 9, 2005, at 3 (MDL Docket #1546). Plaintiffs have failed to file any opposition by this deadline and thus have defaulted on their right to respond. Accordingly, the Court should now grant Mr. Yamani's unopposed motion to dismiss the claims against him.

### **CONCLUSION**

For the foregoing reasons and those set forth in Mr. Yamani's opening brief (MDL Docket #1833), the *Burnett* (03-CV-5738 and 03-CV-9849), *Euro Brokers*, and *World Trade Center Properties* Complaints should be dismissed, in their entirety, as to Mr. Yamani.

Dated: October 5, 2007  
New York, New York

Respectfully submitted,

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